

1 J. CHRISTOPHER JORGENSEN, ESQ.
State Bar No. 5382
2 SCOTT S. HOFFMANN, ESQ.
State Bar No. 8498
3 LEWIS AND ROCA LLP
3993 Howard Hughes Pkwy., Ste. 600
4 Las Vegas, NV 89169
(702) 949-8200
5 (702) 949-8398/fax

6 Attorneys for Defendants

7 UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF NEVADA

9 THORNE HUCK and YVONNE HUCK,
10 Plaintiffs,

11 vs.

12 COUNTRYWIDE HOME LOANS, INC., a
New York corporation; KUMUD PATEL,
13 individually; COUNTRYWIDE FINANCIAL
CORP., a Delaware corporation; MERSCORP,
14 INC., a Virginia corporation; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
15 INC., a subsidiary of MERSCORP, INC., a
Delaware corporation [MERS]; BANK OF
16 AMERICA CORPORATION, N.A.;
RECONTRUST COMPANY, N.A.; et al.,

17 Defendants.

Case: 3:09-cv-00643-RCJ-VPC

**AMENDED ORDER CONCERNING
MEDIATION AND INTERIM
PAYMENTS**

18 Pursuant to Court Order dated December 28, 2010 [Dkt. #42]:

19 IT IS HEREBY ORDERED that:

20 (a) The foreclosure of the property located at 213 Endeavor Lane, Fernley, Nevada,
21 Parcel 20-912-02, is prohibited for 100 days from December 28, 2010, contingent
22 on the following;

23 (i) Plaintiffs shall make full, regular payments under the note every
24 thirty (30) days, with the first payment due fifteen (15) days after
25 December 28, 2010. Plaintiffs need not pay late fees or cure the
26 entire amount of past default at this time; and

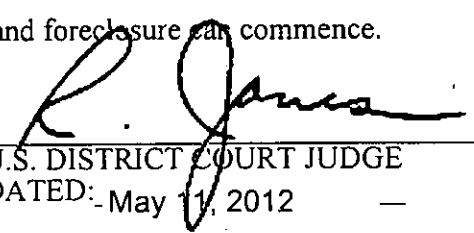
27 IT IS FURTHER ORDERED;
28

1 That during the injunction period the Defendants will participate in a mediation through
2 the State of Nevada Foreclosure Mediation Program with the Plaintiffs, in good faith and under
3 the following conditions:

- 4 (i) Plaintiffs must provide Defendants with all necessary financial
5 information/documentation so a loan modification can be processed;
6 (ii) Defendants must have an individual, with loan modification
7 authority, present at the mediation and provide all documents
8 required by the state mediation program;
9 (iii) At the mediation, Plaintiffs are prohibited from making any
10 argument regarding "original note," securitization, existence of the
11 loan, or any other vapor money theories, as contained in their
12 Complaint; and
13 (iv) The purpose of the mediation is only to determine if Plaintiffs
14 qualify for a loan modification and if a loan modification can be
15 agreed to; and

16 IT IS FURTHER ORDERED that this case is not stayed, and Defendants are permitted to
17 proceed with the filings of any pleadings; and

18 IT IS FURTHER ORDERED that if Plaintiffs do not make the required payments by the
19 dates set forth in this Order, the injunction prohibiting foreclosure will be immediately lifted,
20 without the need of a subsequent court order, and foreclosure can commence.

21 
22 U.S. DISTRICT COURT JUDGE
23 DATED: May 11, 2012

1 Respectfully submitted by:

2 LEWIS AND ROCA-LLP

3
4 By 

J. CHRISTOPHER JØRGENSEN, ESQ.
Attorney for Defendants